

**MAR 23 2006**

**CATHY A. CATTERSON, CLERK**  
**U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

SERGIO RADILLA-JUAREZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 04-70673

Agency No. A72-403-485

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted December 5, 2005<sup>\*\*</sup>

Before: GOODWIN, TASHIMA, and FISHER, Circuit Judges.

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2). The panel referred this case for inclusion in the Mediation Program. Since mediation failed, the clerk is now ordered to file this disposition.

Sergio Radilla-Juarez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") decision affirming an immigration judge's ("IJ") order denying his application for cancellation of removal.

Radilla-Juarez contends that due process required the IJ to continue his removal proceedings until after Radilla-Juarez's parents' applications for cancellation of removal were adjudicated. We are without jurisdiction to review this argument because Radilla-Juarez failed to raise it before the BIA and thereby failed to exhaust his administrative remedies. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004) (noting that due process challenges that are "procedural in nature" must be exhausted).

**PETITION FOR REVIEW DISMISSED.**